

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

MARCY VALLIER,

Charging Party/Appellant,  
-v-

PRINTING FOR LESS,

Respondent,

Case # 0121015377

ORDER  
FINAL AGENCY DECISION

Charging Party, Marcy Vallier (Vallier), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination and retaliation in employment on the basis of age. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Vallier's allegations that Respondent Printing For Less, discriminated or retaliated against Vallier. The Department issued a Notice of Dismissal. Vallier filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on November 14, 2012, and again at a special meeting convened on November 28, 2012. No oral argument was requested.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the county where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Vallier's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Printing For Less.

DATED this 28<sup>th</sup> day of November 2012.

\_\_\_\_\_/l.m.minich/  
L.M. Minich, Chair  
Human Rights Commission

# CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 28<sup>th</sup> day of November 2012.

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